

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

Levi Strauss & Co.,

Case No. C10 5051 JSW

Plaintiff,

V.

Papikian Enterprises, Inc., Galoust Papikian, and Does 1 through 10,

**[PROPOSED] FINAL JUDGMENT
AND PERMANENT INJUNCTION
AND VACATING TRIAL DATE**

Defendants.

Good cause appearing, the Court now enters a final judgment as follows:

JUDGMENT AND PERMANENT INJUNCTION

A. Commencing within forty-five days of the “So Ordered” date of this Final Judgment and Permanent Injunction (the “Effective Date”), Papikian Enterprises, its principals, agents, employees, officers, directors, servants, privies, parents, subsidiaries, successors, and assigns (including anyone using the 501usa.com domain name) and all persons acting in concert or participating with it or under its control who receive actual notice of this Order (collectively, “Papikian”), are hereby permanently enjoined and restrained, anywhere in the world, directly or indirectly, from doing, authorizing or procuring any persons to do any of the following:

1. Using www.501USA.com except as a domain name, email address or logo (as described below and no more than once on each page) provided that, at the top of each page of the website, Papikian shall state: "Not authorized or sponsored by Levi Strauss & Co." and each



1 page includes, at the top of each web page where there is a row of hyperlinks, a link identified as
 2 “Legal Notices” or “Legal Disclaimer” that takes a user to a web page that – at the top of the page --
 3 contains the following notice in bolded font and reads: **“501USA.COM Papikian Enterprises**
 4 **Co. is an independently owned and operated company. This website is not affiliated with,**
 5 **authorized, sponsored, or in any way endorsed by Levis & Strauss & Co.”** Any other “Legal
 6 Notices” on this page shall appear below this text.
 7

8 2. Using or displaying on the website or in any advertising or promotion of the
 9 website, any logos, design marks or housemarks, hang tags (or close-up photography of those
 10 marks), or any other logo consisting in whole or part of the Levi’s Housemark (or batwing), Arcuate
 11 trademark, or Tab trademark. This shall not prevent Papikian from using the Levi Strauss word
 12 marks, including LEVI’S® or the 500 Series of trademarks as is reasonably necessary (a) in order to
 13 inform internet consumers of the specific style of LEVI’S® brand products that he is offering for
 14 sale, (b) to provide functional navigation of Papikian’s website, or (c) in post-sales communications
 15 relating to a particular sale transaction.
 16

17 3. Using any logo or other “501USA.com” identifier that consists in any part of
 18 Levi Strauss’s marks except that -- once on each web page -- Papikian may use the logo and
 19 disclaimer in the form below (which also shall satisfy his duty to disclaim sponsorship or
 20 authorization from Levi Strauss & Co at the top of each page) so long as it is not materially
 21 changed:
 22



Not authorized or sponsored by Levi Strauss & Co.



1 4. After six months from the Effective Date, using or displaying the photograph
 2 that presently appears on the home page of www.501USA.com, unless the Tab and Arcuate
 3 trademarks that appear on the handbags that are displayed on that page are electronically obscured,
 4 or if a substitute photograph is displayed, using or displaying any photograph that emphasizes, in a
 5 similar manner, the trademarks. This shall not prevent Papikian from displaying a photograph of
 6 models who are wearing LEVI's® brand products that are carried by Papikian in which the
 7 trademarks incidentally appear and are not a point of emphasis in the photograph.

9 5. Using additional links that contain Levi Strauss & Co. trademarks on the
 10 www.501USA.com website beyond those that are currently in use, unless the link is necessary to
 11 forward a user to a new web page that identifies new a category of LEVI'S® brand products. In
 12 such a case, only one additional link on each page of the website may be used for each such
 13 additional web page.

15 6. Claiming or identifying ownership over any trademark that consists in any
 16 part of Levi Strauss's trademarks, including, for example, that Papikian owns a trademark in the
 17 "501USA" designation, or that "501" is a registered trademark of Levi Strauss & Co.

19 B. Except consistent with this provision, after the Effective Date, Papikian shall not use
 20 the URLs for www.501USA.net, www.new-levis.com, www.517jeans.com, and
 21 www.550jeans.com for any purpose. This provision shall not prevent Papikian from using these
 22 URLs solely to re-direct or "point" users to the www.501USA.com website until such time as the
 23 registrations for the URL's expire. If these URL's expire within 12 months from the Effective
 24 Date, they may be renewed for the shortest interval possible, but none of them shall be used for any
 25 purpose, including as pointers, after 24 months from the Effective Date. Except as provided here,
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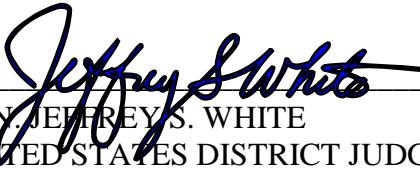
1 Papikian will not use or renew any of these domain names or URLs and shall not in the future
2 register any domain names consisting in whole or in part of Levi Strauss trademarks.
3

4 C. This Court shall retain jurisdiction for the purpose of making any further orders
5 necessary or proper for the construction or modification of this Judgment, the enforcement thereof,
6 and/or the punishment for any violations thereof.
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The trial date of March 26, 2012 is VACATED.

8 It is SO ORDERED.
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10 DATED: March 22, 2012

11 
12 HON. JEFFREY S. WHITE
13 UNITED STATES DISTRICT JUDGE
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